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MAY 23 2005

UTAH STATE  
INSURANCE DEPT

M. GALE LEMMON #4363  
Assistant Attorney General  
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State Office Building, Room 3110  
Salt Lake City, UT 84114  
Telephone (801) 538-3872

**BEFORE THE INSURANCE COMMISSIONER  
OF THE STATE OF UTAH**

**COMPLAINANT:**

UTAH INSURANCE DEPARTMENT

**RESPONDENT:**

KEVIN S. MAHANNAH  
1243 West 10610 South  
South Jordan, UT 84095  
License No. 106243  
SUPERIOR TITLE COMPANY OF UTAH, INC.  
7050 Union Park Center, Suite 110  
Midvale, UT 84047  
License No. 3617

**STIPULATION**

**&  
ORDER**

**2005-050 PC**

**Docket No.** \_\_\_\_\_

**Enf. Case Nos.** 1498 & 1499

**STIPULATION**

1. Respondent, Kevin S. Mahannah ("Mahannah"), is a licensed title insurance agent in the State of Utah, holding License No. 106243, and is designated as an agent for Respondent Superior Title Company of Utah, Inc. Respondent, Superior Title Company of Utah, Inc. ("Superior"), is a licensed title agency in the State of Utah, holding License No. 3617.
2. Respondents stipulate with the Complainant, Utah Insurance Department, as follows:
  - a. If a hearing were held, witnesses called by the Complainant could offer and

introduce evidence that would support the Findings of Fact herein;

b. Respondents admit the Findings of Fact and Conclusions made therefrom;

c. Respondents stipulate to the summary entry of the Order herein which shall be in lieu of other administrative proceedings by Complainant in this matter; and

d. Respondents and Complainant have negotiated the terms of the Order entered herein and Respondents agree to its entry and further agrees to be bound by all its terms.

3. Respondents are aware of their right to a hearing at which they may be represented by counsel, present evidence and cross-examine witnesses. Respondents have irrevocably waived their right to such hearing and to any appeal related thereto.

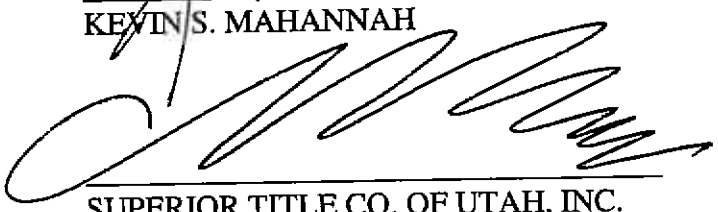
4. Respondents admit the jurisdiction of the State of Utah Insurance Commissioner as to all matters herein.

5. Respondents are acting herein free from any duress or coercion of any kind or nature, having been advised fully as to their rights set forth herein.

6. Respondents acknowledge that the issuance of this Order by the Commissioner is solely for the purpose of disposition of the matter entitled herein.

DATED this 24<sup>th</sup> day of May, 2005.

  
KEVIN S. MAHANNAH

  
SUPERIOR TITLE CO. OF UTAH, INC.  
Mark Chandler, Legal Counsel

  
UTAH INSURANCE DEPARTMENT  
M. Gale Lemmon, Assistant Attorney General

Based upon the foregoing Stipulation and information in the file, the Presiding Officer makes the following Findings of Fact:

### **FINDINGS OF FACT**

1. On or about the dates of February 4, 2003 and February 11, 2003, Respondent Mahannah, acting as an agent for Respondent Superior, allowed an unlicensed person to act as a title escrow agent and conduct closings outside of his presence and then later notarized the documents in those closings without witnessing the signatures of the signers or personally verifying the identities of the signers.

2. On or about June 28, 2004, Respondent Mahannah, acting as an agent for Respondent Superior, forged the name of a borrower on a final Uniform Residential Loan Application, after discovering that it had not been signed during the closing, rather than going to the borrower and obtaining the borrower's signature.

3. Respondent Mahannah profited by his violations in the amount of \$92.52, and Respondent Superior profited by its violations in the amount of \$1,129.88.

Based upon the foregoing Stipulation and Findings of Fact, the Presiding Officer enters the following Conclusions of Law:

### **CONCLUSIONS OF LAW**

1. In allowing an unlicensed person to conduct a closing as a title escrow agent when that person was not licensed, Respondents violated Utah Code Annotated § 31A-23a-103(1)(c).

2. In notarizing the signatures of persons in connection with a real estate closing in which title insurance was issued, Respondent Mahannah violated Utah Code Annotated § 31A-23a-402(1)(a)(i) and (1)(a)(ii)(B).

3. In forging the name of a borrower on a loan application in connection with a real estate closing in with title insurance was issued, Respondent Mahannah violated Utah Code Annotated § 31A-23a-402(1)(a)(i) and (1)(a)(ii)(B).

4. Respondent Superior is liable for the actions of Respondent Mahannah under the doctrine of respondent superior and pursuant to Utah Code Annotated § 31A-23a-111(4)(c).

5. Pursuant to Utah Code Annotated § 31A-2-308(1)(a), Respondents shall forfeit twice the amount of any profit gained from a violation of the insurance code in addition to any other forfeiture or penalty imposed.

6. Pursuant to Utah Code Annotated § 31A-2-308(1)(b), the commissioner may impose forfeitures of up to \$2,500.00 per violation of the Utah Insurance Code on individual licensees and of up to \$5,000.00 per violation on any other person.

7. Respondent Mahannah's license should be placed on probation for a period of 12 months pursuant to Utah Code Annotated § 31A-23a-112.

Based upon the foregoing Stipulation, Findings of Fact and Conclusions of Law, the Presiding Officer herewith enters the following Order:

### **ORDER**

#### **IT IS HEREBY ORDERED:**

1. Respondent Kevin S. Mahannah is assessed an administrative forfeiture of twice the amount of the profit gained from violations of the Utah Insurance Code in the amount of \$158.04, plus an administrative forfeiture in the amount of 6,000.00, for a total forfeiture of \$6,185.04. Said forfeiture shall be paid within 30 days of the date of this Order.

2. Respondent Superior Title Company of Utah, Inc. is assessed an administrative forfeiture of twice the amount of the profit gained from violations of the Utah Insurance Code in

the amount of \$2,259.76, plus an administrative forfeiture in the amount of \$5,500.00, for a total forfeiture of \$7,759.76. Said forfeiture shall be paid within 30 days of the date of this Order.


3. Respondent Kevin S. Mahannah's title insurance agent's license is placed on probation for a period of 12 months beginning with the date of this Order. The terms of probation are that he shall pay the forfeitures assessed against him herein in a timely manner and shall have no further violations of the Utah Insurance Code or Rules or of any order of the commissioner.

### **NOTIFICATION**

Respondents are hereby notified that failure to abide by the terms of this Order may subject them to further penalties, including additional forfeitures of up to \$2,500.00 for an individual licensee and of up to \$5,000.00 per violation for any other person, and the suspension or revocation of their licenses, and the filing of an action to enforce this Order in the District Court, which may impose penalties of up to \$10,000.00 per day for continued violation.

DATED this 25<sup>th</sup> day of May, 2005.

D. KENT MICHIE  
INSURANCE COMMISSIONER

  
MARK E. KLEINFELD, Esq.  
Administrative Law Judge  
Utah Insurance Department  
State Office Building, Room 3110  
Salt Lake City, Utah 84114  
Telephone (801) 538-3800

**Invoice****Due Date** 06-19-2005**Amount Due**

\$6,185.04

**Invoice ID** 246497**Payor ID** 29234**Total Amount Remitted** \$

Make Checks Payable To:

**Utah Insurance Department****3110 State Office Building****Salt Lake City, UT 84114-6901**

KEVIN S MAHANNAH  
SUPERIOR TITLE COMPANY OF UTAH, INC  
7050 UNION PARK CENTER STE 110  
MIDVALE UT 84047

**Invoice ID** 246497**Payor ID** 29234**Invoice Print Date** 05-26-2005**Items:**

05-26-2005 Monetary Penalty Individual

6,185.04

**Amount Due..... \$6,185.04**

**Invoice****Due Date** 06-19-2005      **Amount Due**

\$7,759.76

**Invoice ID** 246498**Payor ID** 7028**Total Amount Remitted** \$ 

Make Checks Payable To:

**Utah Insurance Department****3110 State Office Building****Salt Lake City, UT 84114-6901**

SUPERIOR TITLE COMPANY OF UTAH, INC  
7050 UNION PARK CENTER STE 110  
MIDVALE UT 84047

**Invoice ID** 246498**Payor ID** 7028**Invoice Print Date** 05-26-2005**Items:**

05-26-2005 Monetary Penalty Agency

7,759.76

**Amount Due..... \$7,759.76**

CERTIFICATE OF MAILING

I do hereby certify that on this date I mailed, by regular mail, postage prepaid, a true and correct copy of the attached:

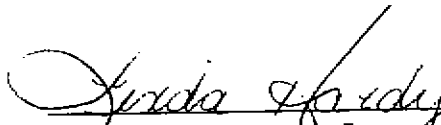
**STIPULATION  
&  
ORDER**

To the following:

**Kevin S. Mahannah  
1243 West 10610 South  
South Jordan, UT 84095**

**Superior Title Co. of Utah, Inc.  
7050 Union Park Center  
Suite 110  
Midvale, UT 84047**

DATED this 26<sup>th</sup> day of May, 2005

  
Linda Hardy Insurance Technician  
Utah Department of Insurance  
State Office Building, Room 3110  
Salt Lake City, UT 84114-6901  
(801) 538-3813